

REMARKS

Applicants wish to thank the Examiner for the careful consideration given this case and for the courtesies extended during the telephonic interview on April 30, 2003. Claims 1-16 are pending in this case, with Claims 17-20 having been withdrawn by the Examiner as being drawn to a non-elected group. By amendment herein, Claims 1, 4, and 7-10 are amended. Claims 2, 3, 5, 6, and 11-16 are cancelled without prejudice to later presentation in this or related cases. Newly-introduced Claims 21-30 are fully supported by the specification and do not introduce any new matter.

This response addresses those issues raised in Office Action of January 30, 2003. It is believed that the present amendments render all pending claims allowable. In view of the above amendments and the following remarks, reconsideration of the claims is respectfully requested.

Initially, Applicants gratefully acknowledge the Examiner's statement that Claim 10 is free of prior art. During the telephonic interview on April 30, 2003, the Examiner indicated that Claims 5-7 and 9 may also be free of prior art – particularly with respect to the presence of an amine group at R<sub>1</sub> and R<sub>2</sub> in the molecules of the present invention. Confirmation by the Examiner of his position in this regard is respectfully requested. Applicants further acknowledge the withdrawal by the Examiner of the requirement to elect among named species.

The Examiner objects to the specification, specifically asserting that the abstract fails to enable the reader to ascertain quickly the character of the subject matter covered by the disclosure and fails to include what is new in the art to which the instant invention pertains. Applicants respectfully submit an amended abstract which addresses the Examiner's objection. No new matter has

been introduced in the revised abstract. Reconsideration and withdrawal of this objection is requested.

The Examiner objects to Claim 10 for not ending in a period. Claim 10 has been amended to reflect the Examiner's objection. Reconsideration and withdrawal of this objection is respectfully requested.

The Examiner rejects Claims 1-9 and 11-15 under 35 U.S.C. §112, ¶2 as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. The Examiner further asserts that the phrase 'chemical residues' as found in Claim 1 is not defined. The language of Claim 1 has been amended to address the Examiner's concerns, thus resolving the Examiner's rejection for all claims depending therefrom. Claims 11-15 have been cancelled.

The Examiner rejects Claims 2-6 under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the invention. In particular, the Examiner cites the phrase 'substituted alkyl groups' as not being supported. In addition, the Examiner indicates that there is insufficient antecedent basis for 'substituted alkyl groups' in Claim 3. Claims 2-6 have been cancelled or amended to address the Examiner's concerns.

The Examiner further rejects Claims 11-15 under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the invention. The Examiner asserts that the recitation of alternative uses for the composition of Claim 1 in Claims 11-15 fails to further limit the pharmaceutical composition since intended use as a treatment modality fails to result in a difference in the composition of matter that is claimed. Claims 11-16 have been cancelled. Claims 23-30 are directed to pharmaceutical compositions and have been

drafted to address the concern of the Examiner. Reconsideration and withdrawal of the rejections under §112, ¶2 are respectfully requested.


The Examiner rejects Claims 1-4, 8, and 11-16 under 35 U.S.C. §102(e) as being anticipated by Myers et al. (U.S. Patent No. 6,376,472; the '472 patent). Notably, the Examiner does not assert that Claims 5-7, 9, and 10 are anticipated by the '472 patent, as stated hereinabove. The Examiner cites to multiple passages within the '472 patent to support his contention of anticipation. R<sub>1</sub> and R<sub>2</sub> of the presently-claimed compounds correspond to R' and R" in the '472 patent. The description of R' and R" is found at Column 8, lines 29-48 of the '472 patent. It is notable that neither an amine nor an alkyl amine is not listed within that description. The independent claims of the present application (*i.e.*, amended Claim 1 and newly-introduced Claim 24) both include a limitation wherein R<sub>1</sub> and R<sub>2</sub> are an amine group or an alkyl amine group – a limitation that the Examiner has not alleged to be taught or suggested by the '472 patent. Reconsideration and withdrawal of this rejection is respectfully requested.

In view of the amendments to the claims and specification and the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue,

the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

Dated: May 29, 2003

By   
James G. Dilmore  
Reg. No. 51,618

Frederick H. Colen  
Reg. No. 28,061

REED SMITH LLP  
P.O. Box 488  
Pittsburgh, PA 15230-0488  
(412) 288-3813

Agent for Applicant